

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

ACCELERATED OUTSOURCING,)
INC.)

Plaintiff,)

v.)

CIVIL ACTION NO. _____

ATOS IT SOLUTIONS AND)
SERVICES, INC.,)

Defendant.)
_____)

**DEFENDANT ATOS IT SOLUTIONS AND SERVICES, INC.’S
PARTIAL MOTION TO DISMISS PLAINTIFF’S COMPLAINT**

Atos IT Solutions and Services, Inc.¹ (“Defendant” or “Atos IT”), incorrectly identified in the Complaint as Atos Origin, Inc. (“Atos Origin”), pursuant to Federal Rule of Civil Procedure 12(b)(6), respectfully moves to partially dismiss Plaintiff Accelerated Outsourcing, Inc.’s (“Plaintiff” or “Accelerated Outsourcing”)

¹ Plaintiff originally filed this action against a defunct entity, Atos Origin, and attempted to serve same. Following Plaintiff’s failure to properly name and serve the correct entity, Atos IT, Plaintiff moved for and was granted default judgment against Atos Origin. (*See generally* Docket). Once Atos IT, the correct entity that should have been named and served, learned of this action in 2023, the Parties stipulated and agreed that the default judgment entered against Atos Origin must be vacated, Atos IT is the successor in interest to Atos Origin, and Atos IT is the proper Defendant to this suit. (*See generally* Doc. 1-1). As such, pursuant to this stipulation, Plaintiff’s claims are asserted against Atos IT.

Complaint. For the reasons discussed more fully in Defendant's Memorandum of Law in Support of its Partial Motion to Dismiss filed contemporaneously herewith, Plaintiff has failed to state a claim for which relief can be granted as to its claim for declaratory judgment (Count IV).

Respectfully submitted this 28th day of April, 2023.

OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.

/s/ Jeffrey J. Costolnick

Jeffrey J. Costolnick

Georgia Bar No. 637168

jeffrey.costolnick@ogletree.com

Taryn C. Haumann

Georgia Bar No. 957016

taryn.haumann@ogletree.com

One Ninety-One Peachtree Tower,

191 Peachtree Street, N.E., Suite 4800

Atlanta, Georgia 30303

Phone: 404-881-1300

Fax: 404-870-1732

Counsel for Defendant

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1(D)

This is to certify the foregoing was prepared using Times New Roman 14 point font in accordance with Local Rule 5.1(C).

/s/ Jeffrey J. Costolnick
Jeffrey J. Costolnick
Georgia Bar No. 637168

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CERTIFICATE OF SERVICE

I hereby certify that on April 28, 2023, I electronically filed the foregoing **DEFENDANT ATOS IT SOLUTIONS AND SERVICES, INC.’S PARTIAL MOTION TO DISMISS PLAINTIFF’S COMPLAINT** with the Clerk of Court using the CM/ECF system, which will automatically send an email notification of such filing to the following counsel of record:

SCHOENTHALER LAW GROUP
Peter F. Schoenthaler
Ann R. Emery
Neill Wright
3200 Windy Hill Road SE Suite 1600E
Atlanta, GA 30339

/s/ Jeffrey J. Costolnick
Jeffrey J. Costolnick
Georgia Bar No. 637168